



ORDINARY MINUTES

ORDINARY Meeting
of the Council held:

DATE: Tuesday, 8 April 2008

TIME: 2.45pm

VENUE: Council Chambers

Rob Stewart
CHIEF EXECUTIVE OFFICER

MEMBERSHIP – Quorum (5)

Members:

Cr K Forbes - Rocky Gully / West Ward - Shire President
Cr B Hollingworth - Town Ward - Deputy Shire President
Cr K Clements - Town Ward
Cr J Mark - Town Ward
Cr J Moir - South Ward
Cr M Skinner - East Ward
Cr D Nye-Chart - East Ward
Cr S Grylls - Rocky Gully / West Ward
Cr A Budrikis - Kendenup Ward

Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute the Council's decision until considered by the Council.

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.55pm The Presiding Member declared the meeting open.

Working to Occupational Safety and Health Best Practices, Mr Rob Stewart – Chief Executive Officer, read aloud the emergency evacuation procedures for Councillors, staff and members of the public present in the Council Chambers

Mr Stewart then read aloud the following disclaimer:

'No responsibility whatsoever is implied or accepted by the Shire of Plantagenet for any act, omission or statement or intimation occurring during Council / Committee meetings or during formal / informal conversations with staff.

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation or approval made by a member or officer of the Shire of Plantagenet during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Plantagenet. The Shire of Plantagenet warns that anyone who has an application with the Shire of Plantagenet must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Plantagenet in respect of the application.'

2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Members Present:

Cr K Forbes
Cr B Hollingworth
Cr A Budrikis
Cr K Clements
Cr S Grylls
Cr J Mark
Cr J Moir
Cr D Nye-Chart (left the meeting at 5.20pm)
Cr M Skinner

In Attendance:

Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Ms N Selesnew	Manager Community Services
Mr P Duncan	Manager Development Services
Mr I Bartlett	Manager Works and Services
Mrs K Skinner	Executive Secretary

There were eleven (11) members of the public in attendance.
There was one (1) member of the media in attendance.

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Danielle Gibbons – representing the Kendenup Community

Danielle Gibbons speaking on behalf of the Kendenup community members presented to the Council a report titled '*Kendenup Community Recreational Activities and Needs 2008 – Report from Kendenup Community to Shire of Plantagenet*'. All Councillors received a copy of the report.

Thank you to Kevin Forbes, Rob Stewart, Nicole Selesnew and Council members who attended.

The meeting was a very positive step towards finding the recreational needs of Kendenup.

There were three stand out needs in the report.

1. Recreational Plan for Kendenup.
2. Pathways and Bikeways to the school and the playgroup.
3. Public playgrounds for Kendenup.

On behalf of the Kendenup Community, we hope that this document will be helpful in assisting the development of a Recreation Plan for Kendenup.

Mount Barker Community College – Skate Park

Three school students representing the Mount Barker Community College discussed the possibility for the local skate park in Mount Barker to be rebuilt.

Although they appreciated the current skating spot it was felt that it does not meet the needs of the local community.

The current skate spot has been described as too small, the run up is too short, the grind rails are too narrow etc.

In its current location it is an embarrassment to the town. Parents also have concerns about the current location.

The skate park in its current form has had up to thirty (30) people using it throughout the day, usually during the school holidays and weekends and is just a fun box which only targets one group.

It is suggested that a Youth Space be created with the skate park as the main focus point with benches for spectators, basketball hoop, power for outdoor events such as mini concerts and skate/BMX comps.

6 DISCLOSURE OF INTEREST

Part 5 Administration Division 6 Disclosure of Financial Interests Local Government Act 1995.

Councillor K Forbes declared a Financial Interest for Item 11.2.4.

Cr M Skinner declared a Financial Interest for Item 11.2.4.

Cr K Clements declared a Financial Interest for Item 11.1.3.

Cr J Mark declared a Proximity Interest for Item 11.1.2 and a Financial Interest for Item 11.3.1.

7 APPLICATIONS FOR LEAVE OF ABSENCE

7.1 APPLICANT: CR D NYE-CHART

Moved Cr J Mark, seconded Cr B Hollingworth

That Cr D Nye-Chart be granted Leave of Absence from 12 April to 5 May 2008 inclusive.

CARRIED (9/0)

NO. 66/08

8 CONFIRMATION OF MINUTES

Moved Cr D Nye-Chart, seconded Cr J Moir

THAT the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 25 March 2008 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 67/08

9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 28 March 2008 – Attended a Special Meeting of the Great Southern Zone of Western Australian Local Government Association (WALGA) with other Plantagenet representatives held in Mount Barker to discuss the Systemic Sustainability Study (SSS).
- 29 March 2008 – With Cr Hollingworth met with representatives of the South Mount Barker Football Club to finalise agreement on the Club Rooms at Sounness Park. This has now been completed with the South Mount Barker Football Club relinquishing all rights to the buildings.
- 31 March 2008 – With Mr Ian Bartlett Manager Works and Services attended a Regional Road Group Meeting held in Gnowangerup. There were no changes to the program.
- 1 April 2008 – Attended the annual road inspection with Councillors and staff and looked at works in progress and the proposed works program for 2008 – 2009.
- 2 April 2008 – Attended a WALGA Zone Meeting in Perth with Bill Mitchell continuing as President and Troy Pickard Mayor of Joondalup as Vice President.
- 3 April 2008 – Met with Gary Gray (Federal Member for Brand) at Rockingham who advised that Area Consultative Committees would become Regional Development Boards. Also spoke about the Medical Centre and the contract which had been signed, Timber Industry Roads Evaluation Study (TIRES) unfunded from Auslink project based funding.
- 4 April 2008 – Attended a finance workshop along with six (6) Councillors and found it to be very worthwhile. This was facilitated by Mr Ron Back.
- 9 April 2008 – Will be attending a TIRES meeting with Mr Ian Bartlett Manager Works and Services in the Shire of Plantagenet Council Chambers.
- 9 April 2008 – Will be meeting with representatives from the Glenelg Shire Council from West Victoria to discuss the timber industry at 2.00pm in the Council Chambers. It would be nice if Councillors could attend.
- 12 April 2008 – Opening of the Northern By-Pass – Albany Highway – Muirs Road.
- 17 April 2008 – Audit Committee to meet with the Council's Auditors to discuss the Interim Audit.

10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr B Hollingworth – Attended a meeting of Western Power in Cranbrook to discuss the selected corridor. Letters will be going out to all affected landholders.

Cr S Grylls – Attended a Kent River Land Conservation District Committee Meeting and also the Western Power Meeting in Cranbrook.

Cr K Clements – Attended a meeting of District Emergency Management Committee (DEMC) on 3 April 2008. He advised that some Local Emergency Management Committees (LEMC) are not meeting on a regular basis (every three (3) months) as required and may not know the latest policies

DEMC has recently conducted three (3) Emergency Management Workshops to bring members of LEMC up to date with current requirements. The Officer In Charge (Police) of each district will be following up to ensure all LEMC understand the latest policies.

Western Australian Local Government Association (WALGA) will be asked to nominate a second local government Councillor as a deputy to attend DEMC meetings. This was suggested by the current WALGA representative to make sure there will always be a WALGA representative available with up to date knowledge and to ensure succession planning.

DEMC is waiting on a report in relation to who is responsible for road closures. This report is due late April 2008 and will be reviewed by a local DEMC committee prior to being distributed to Local Governments and LEMC.

Cr J Moir – Attended a Southern Agcare Meeting and requested Financial Assistance. The Shire President advised that an allocation was made in the Budget each year.

Cr J Mark – Attended the Inaugural Meeting of the RoadWise Committee in which he is now the Chairperson. The committee will meet monthly.

Cr M Skinner – Advised that the Agricultural Zone Control Authorities (ZCAs) are winding up. There is now a '*Biosecurity and Agricultural Management Act 2007*' which is scheduled for full commencement during 2008 and will result in the repeal of both the '*Agricultural Protection Board Act 1950*' and the '*Agriculture and Related Resources Protection Act 1976*.'

11 REPORTS OF COMMITTEES AND OFFICERS

11.1 DEVELOPMENT SERVICES REPORTS

11.1.1 LOT 859 HEALY ROAD, NARRIKUP - COMPOSTING FACILITY

File No:	RV/182/364
Attachments:	<u>Location Plan</u> <u>Neighbour Odour Records (3)</u> <u>Copy of Extracts of Proponents wind directions and speed monitoring records</u> <u>Plan Showing distances from facility</u> <u>Plan showing location of properties</u> <u>Letters raising no objections (6)</u> <u>Table showing weather conditions and odour events from neighbours</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	8 April 2008

Purpose

The purpose of this report is to consider the extent to which previously imposed conditions of approval relating to the composting facility at Healy Road, Narrikup have been satisfied and to determine action to rectify odour problems from the facility.

Background

In June 2003 following public advertising the Council approved an application for a Noxious Industry (Chicken Composting Operation of up to 1,000 tonne capacity) in accordance with plans dated 7 March 2003 and subject to 9 conditions.

The first five conditions related to the then Department of Environment standards and were imposed by the Council on advice from that Department. The Department only licences Compost facilities of 1,000 tonnes and over. The conditions related to the compost facility being protected from the weather for initial stages of composting and upon a hard stand, stormwater runoff, containment of contaminated water, no nutrient export, exotic pests being satisfactorily addressed.

- Conditions 6 – 9 related to fire breaks, access ways and crossovers, on site signage and finally *'total production shall not exceed 1000 tones of organic material per year.'*

On 17 March 2006 the Shire received a copy of a letter from the Department of Environment and Conservation (DEC) Albany Office, to Paul Hault (the owner) regarding results of an inspection that had raised the following concern:

'The facility is not constructed on an impermeable surface that minimises the infiltration of leachate from the compost into the ground. This could result in leachate from the compost contaminating the soil, groundwater or nearby surface waters.'

'There is no drainage system to control runoff from the compost areas. This could result in contaminated runoff entering the surrounding soils and groundwater, nearby surface waters and damaging local native vegetation.'

On 19 June 2006 the Shire received a copy of a letter from the DEC to Paul Hault in response to a request for an upgrade of the Composting facility to over 1,000 tonnes of compost per year. This letter reiterated the need for impermeable clay liner for the composting facility and stormwater and wastewater control and leachate pond.

On 9 March 2007 the DEC advised the Council that it was advertising a proposal for compost manufacturing and soil blending at Lot 859 Healy Road, Narrikup as the proponent proposed to exceed 1,000 tonnes per annum.

The Council at its meeting held on 24 July 2007 when considering the development application for the proposed upgrade of the facility resolved at resolution 262/07:

'That the proposal to extend the existing noxious industry (Chicken Composting Facility) to a facility handling over 1,000 tonnes of compost a year and soil blending be advertised for a period of twenty-one days.'

The Council when considering submissions received resolved at its meeting held on 11 September 2007 at resolution 303/07:

'That the question be adjourned until the next meeting of the Council to be held on 25 September 2007 pending inspection by Councillors.'

The Council at its meeting held on 25 September 2007 resolved at resolution 339/07:

'THAT:

- (1) The proposal to extend the existing noxious industry (chicken composting facility) at Lot 859 Healy Road, Narrikup be approved subject to:
 - (a) Development being in accordance with the application dated 18 June 2007 and the Opus International Environmental Assessment in respect to the design.*
 - (b) The existing composting site being cleaned up and rehabilitated.*
 - (c) The compost facility being limited to a maximum tonnage of 1,000 tonne of compost product per annum.*
 - (d) The correct installation of the appropriate hardstand or impervious area for all of the composting operation.**

- (e) *Appropriate management of stormwater runoff including any uncontaminated stormwater being diverted or channelled away from the operation.*
 - (f) *Contaminated water should be directed to the lined leachate holding dam by appropriate bunding.*
 - (g) *The activity to be managed so as to not result in any nutrient export from the site or detriment to the environment.*
 - (h) *Measures being taken to minimise and control/manage any potential problems with flies and exotic predators, including foxes, feral cats, rats and mice. This will involve the development and implementation of a vermin management plan to the satisfaction of the Council's Environmental Health Officer and the Department of Agriculture and Food.*
 - (i) *Appropriate management of odour impacts by the covering of the compost. Should odour impacts not be managed to the satisfaction of the Department of Environment and Conservation the facility may need to be contained within an appropriate building.*
 - (j) *Installation of a fire break, not less than 5m wide, around the site and an operational fire fighting vehicle be kept on site during the operation of the prohibited and restricted burning periods.*
 - (k) *The crossover and access ways are to be maintained by the developer.*
 - (l) *Any on site advertising signage shall comply with Town Planning Scheme No. 3.*
 - (m) *The maintenance of a daily wind direction and speed monitoring record by the proponent.*
- (2) *The Chief Executive Officer will require the Council's Environmental Health Officer to carry out monthly inspection of the site for a period of 24 months to monitor the development.'*

The Council's Environmental Health Officer has been regularly visiting the site and discussing the operation with the owner. Officers from the Department of Agriculture and Food (DAF) and the DEC have also provided advice.

During the earlier advertising there were fifteen (15) submissions received of which eight (8) raised no objections and seven (7) objected to the expansion. Those who raised objections did so on the basis of odours, perceived health risk and flies during the summer months. Of those who raised no objections, some said they did not have problems with the odour issue.

With the upgrade works originally proposed for over 1,000 tonnes per annum and the need for a works approval from the DEC, the chances of odours coming from the site should actually be reduced as, importantly, there is a licence condition requiring the covering of all material immediately with at least 150mm of cover material. The DEC

issued its works approval for this facility on 2006 July 2007 with a design capacity of 1,200 tonnes per annum.

The upgraded facility now includes an impervious surface under the composting area and this removed any question of potential site contamination from effluent leaching downwards into the groundwater.

The proponent reduced the potential capacity to a maximum of 1,000 tonnes per annum and subsequently the DEC works approval was withdrawn. The Council's conditions applied on 25 September 2007 still apply.

The Council at its meeting held on 11 March 2008 received a presentation from a nearby landowner where the problems with odour from the facility were raised. Staff had previously advised concerned neighbours to keep records of odour events and at the presentation on 11 March 2008 two of these records were provided (copies attached). Another landowner has now provided records of odour events experienced (copy attached).

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) - zoned Rural – A noxious industry is an 'SA' use and requires formal advertising.

- Any Notice issued for a breach of the Scheme must be a minimum of twenty eight (28) days.
- The approval of planning consent issued after the Council's approval of 25 September 2007 is valid for a period of twenty four (24) months.
- Notice issue under TPS3 to ensure compliance with conditions of planning consent may generate a right for the proponent to apply to the State Administrative Tribunal for a review of the Council decision.
- TPS3 contains provision for the Council to consider the proper and orderly planning and amenity of the area.

Environmental Protection Act 1986

Environmental Protection Regulations 1987

Health Act 1911 (as Amended)

Health Local Laws part 9 Offensive Trades

Health (Poultry Manure) Regulations 2001

Consultation

The upgrading proposal was advertised for twenty one (21) days by way of a sign on site, notices in the press, letters to adjoining landowners and a notice on the Council's notice board in August 2007.

The matter has been discussed with officers from various government agencies. Several Councillors have visited the site.

The Council's Environmental Health Officer is a neighbour (in Youngs Siding) of one of the neighbours who submitted odour records.

Financial Implications

There are financial implications on the proponent in this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

This is a growing business which is processing the by product of a successful chicken producing business also located within the Shire at Kendenup.

Adverse impacts on the quality of life of nearby landowners and residents is an important strategic consideration.

Officer Comment

Conditions (i) and (m) of the Council's approval of 25 September 2007 are particularly relevant. Condition (m) required the maintenance of a daily wind direction and speed monitoring record by the proponent. The proponent was asked to provide that record and the diary of events provided was incomplete and of no use in determining weather conditions and composting events. Examples of some pages are attached.

Condition (i) refers to odour impacts and requires if odour impacts are not managed to the satisfaction of the DEC the facility may need to be contained within an appropriate building. Three (3) adjoining neighbours have now provided evidence of odour impact over a period of many months. The Manager Development Services has visited the area on several occasions from 11 March 2008. On 11 March 2008 late in the day when a south easterly wind was blowing the strong odour was evident at Spencer Road to the north in the vicinity of several houses. Yet on other occasions no odour was evident to the Manager Development Services.

Several Councillors visited the composting site on the morning of 11 March 2008 where the proponent explained his operation now located on a hardstand and his possible intention to include the composting phase into a shed to reduce adverse impact from rain. This building would be dependent upon grant funding. The final phase of the project involves the compost being left in the open. It was observed at the site meeting the final stage still has a very strong odour.

The DEC buffer distances for a composting facility vary from 1,000m for outdoor uncovered to 750m and 500m for outdoor covered, and 250m for an enclosed facility and 150m for 'in-vessel' composting.

The odour matter is an issue which is difficult to monitor but Council recognised this as a potential difficulty for particularly Lot 860 to the north. As the compost was to be covered with 150mm of cover then it could be interpreted that the 750m buffer should apply.

The Council in September 2007 considered the most appropriate course of action was to support the proposal to relocate the compost to the correctly prepared area but limit the amount of composted material to 1,000 tonnes per annum and require

the odour to be constantly monitored. If the odour became an issue then the facility may need to be enclosed within an appropriate building.

It is clear the odour from the facility is an issue that is causing concern to occupiers of some neighbouring properties in as much that it is disturbing their amenity and quality of life over prolonged periods. These properties with houses are located over 1km to the north of the facility which, although beyond the DEC recommended buffer, the occupants consider they are adversely impacted on by the odour on a regular basis.

On 25 March 2008 letters from the owners of six (6) nearby properties were delivered to the Council's public counter. These letters all advised these owners did not have any concerns with odour from the composting facility. The point was raised that an odour comes off the nearby lake. Copies of the letters are attached.

A map attached shows the location of nearby properties and those whose owners had odour concerns are marked as are those whose owners did not have odour concerns. It can be seen from that map there is no common denominator for the properties to the north as some have serious concerns and adjoining properties have no concerns.

A table has been prepared showing Bureau of Meteorology weather data (from Albany) related to the adjoining neighbour odour events. A copy of that table is attached.

The Council's Environmental Health Officer is organising a meeting with a range of government experts and neighbours on 18 April 2008 to work through the details of the operation and its management by the proponent to determine what improvements can be made as a matter of urgency.

There are four (4) options for the Council to consider in respect to the operation and the odour management. The first is to require the facility to close and have the site cleaned up and rehabilitated to remove all of the composting material within a specified time frame such as sixty (60) days.

The second option which relates more closely to condition (i) of the Council's approval would require DEC to provide advice on the composting operation and the odour impacts.

Once this advice is received then the Council can determine whether any further action is needed.

The third option is for the proponent to be allowed to continue the operation and attempt to address the odour situation within the twenty four (24) month approval period expiring on 25 September 2009. This option is not the recommended approach due to the odour impacts on the nearby landowners as it may be affecting their amenity and quality of life in an adverse manner.

The fourth option is to require the proponent to instigate actions to reduce the odour impacts emanating from the site on the advice of government experts from DEC, DAF and the Health Department. A time limit of 60 days could be applied to this option.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Moir

That pursuant to part (i) of the Council decision of 25 September 2007 in relation to the composting facility at Lot 859 Healy Road, Narrikup the Department of Environment and Conservation be requested to provide advice on the odour issue within sixty (60) days following which a further report will be placed before the Council at its ordinary meeting to be held on 8 July 2008.

CARRIED (9/0)

NO. 68/08

**11.1.2 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 47 - LOT 138
LOWOOD ROAD, MOUNT BARKER**

A Proximity Interest was disclosed by Cr J Mark.

3.20pm Cr J Mark withdrew from the meeting.

File No: LP/181/47
Attachments: [Location Plan](#)
[Subdivision Concept Plan](#)
Full Amendment documents (separate attachment)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 8 April 2008

Purpose

The purpose of this report is to consider a proposed Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 to rezone Lot 138 Lowood Road corner Morpeth Street from Rural to Residential (R15).

Background

A Scheme Amendment Request (SAR) was submitted in February 2007 and in accordance with Council Policy No. TP/SDC/6 copies were forwarded to the Department for Planning and Infrastructure (DPI), Department of Water (DOW) and Department of Environment and Conservation (DEC) for comment.

On 12 June 2007 a report on the SAR was considered by the Council and Resolution 213/07 was as follows:

‘THAT:

- (1) The Scheme Amendment Request for Lot 138 Lowood Road, Mount Barker be advertised to seek public feedback for a period of sixty days.*
- (2) At the conclusion of advertising a further report be prepared for the consideration of the Council at a meeting to be held no later than 14 August 2007.’*

At the close of the public advertising the SAR was considered by the Council on 11 September 2007 where at Resolution 317/07 it was resolved:

‘That the submissions received on the Scheme Amendment Request for Lot 138 Lowood Road Mount Barker be noted and:

- (1) *The proponent be advised the Council will be prepared to consider a formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3.*
- (2) *This support is subject to the various matters including land capability, drainage, fire safety, any potential road works etc, being addressed to the Council's satisfaction as part of the Scheme Amendment documentation.'*

Shire records indicate the owners of the subject land are Ian and Andrea Preece.

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967 – these have set procedures for Amending a Town Planning Scheme including once initiated by the Council, referral to the Environmental Protection Authority (EPA) for twenty-eight (28) days. Once cleared by the EPA a forty-two (42) day advertising period applies. The Council must consider any submissions lodged within forty-two (42) days of the close of formal advertising and refer its recommendation to the Western Australian Planning Commission (WAPC) and the Minister within twenty-eight (28) days.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural.

WAPC documents of relevance:

- State Planning Policy No. 1 (SPP1) – 'State Planning Framework Policy';
- State Planning Policy No. 3 (SPP3) – 'Urban Growth and Settlement';

Consultation

The SAR was advertised for comment for sixty (60) days prior to it being considered by the Council in August 2007.

If initiated by the Council and authorised by the EPA this Amendment will be advertised for forty-two (42) days by way of newspaper notice, letters to neighbours and Government agencies, a notice on the Council's notice board and a sign on site.

Financial Implications

The fee of \$3,300.00 has been paid.

Policy Implications

This proposal is generally in accordance with proposals in the 2002 draft Townsite Strategy but this Strategy was never finalised.

Strategic Implications

Shire of Plantagenet Strategic Plan, under Key Result Area 4 – Development Services, aims to:

'Support sustainable and managed growth within existing urban settlements in the Shire and encourage the development of a variety of housing opportunities.'

Officer Comment

The Amendment proposal now submitted includes land capability work and provides a nutrient stripping sediment retention drainage management feature near the junction of Morpeth Street and Lowood Road. Stormwater runoff is a matter needing detailed design at the subdivision stage to ensure properties down hill (to the east) are not adversely affected.

The Amendment report also considers there is adequate separation from the vineyards to the south to ensure there will be no adverse impact on future residents. In the past when Amendment No. 8 to Town Planning Scheme No. 3 was finalised in 1996 a modification required by the then Minister for Planning was to retain the Rural zoning in the area bounded by Morpeth Street, Lowood Road, Warburton Road and Mount Barker Road. This was due to the then EPA separation requirements of in the order of 300-500m from vineyards to residential. The EPA has since reviewed its standards and each case is now taken on its merits with no distances specified. The statutory Amendment procedure will mean the Amendment is referred to the EPA once initiated by the Council and this is when that agency can comment on this matter. The DEC had no objection to the SAR in April 2007.

The Amendment is considered suitable to initiate to generate public comment once cleared by the EPA.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr J Moir

That:

- 1. Amendment No. 47 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.**
- 2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of forty-two (42) days to enable comment to be made.**
- 3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 12 August 2008.**

CARRIED (8/0)

NO. 69/08

3.25pm Cr J Mark returned to the meeting.

11.1.3 LOT 836 NEWDEGATE ROAD, KENDENUP - TWO LOT SUBDIVISION PROPOSAL

A Closely Associated Persons Interest was declared by Cr K Clements.

3.25pm Cr K Clements withdrew from the meeting.

File No: LP/158/136979, RV/182/3408
Attachments: [Location Plan](#)
[Subdivision Plan](#)
[Aerial Photography](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Juliet Albany
Planning Officer
Proposed Meeting Date: 8 April 2008

Purpose

The purpose of this report is to respond to the Western Australian Planning Commission (WAPC) regarding a proposal for a two (2) lot subdivision proposal for Lot 836 Newdegate Road, Kendenup.

Background

Lot 836 is zoned rural and lies approximately 6kms south east of the Kendenup village.

The applicant proposes a two lot subdivision of an 11.256ha lot into a 4.86ha lot with a house and one chalet as a battleaxe lot and a 6.4ha lot with a chalet, a converted shed/chalet and a dam. A 335.31m long and 10m wide access leg serves the rear lot. The applicant states that her husband is unable to continue to work the property due to ill health, but that they wish to remain in their home. They run free range chickens, have a number of fruit trees and 3 tourist chalets.

Water for the house and chalets is currently supplied by rain water tanks and there is a dam on site.

Newdegate Road was to have been constructed as a condition of the original subdivision but was not carried out. The excision of 10m from the subject lot and its neighbouring lots (Lots 23, 834-835) for a road reserve is still underway.

Council records indicate the owners are Ms Beverley A Wilson and Mr John N Wilson.

Statutory Environment

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) – zoned rural.

State Planning Policy 2.5 (SPP2.5) 'Agriculture and Rural Land Use Planning'.

Western Australian Planning Commission Development Control Policy 3.4 (DC 3.4) 'Subdivision of Rural Land'.

Consultation

No consultation has occurred for this report.

Financial Implications

There are no financial implications for this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The land has not been broad acre farming for some years and the Council has supported the tourist accommodation built on this lot.

There are a number of smaller lots of 1ha to 10ha in the locality however within the immediate vicinity of this lot the majority of lot sizes tend to be 8 - 15ha with lots to the north and east being between 105ha and 304ha. The predominant land use to the north and east of this lot is broad acre grazing and cropping, to the west and south, rural small holdings are the major land use.

Land use planning decisions cannot be based upon compassionate grounds. A planning approval runs with the land not the landowner. Should this subdivision proposal be approved it would set a precedent and lead to similar requests from similar sized lots in the vicinity. This could increase pressure on broadacre farming to the east and north and lead to attempts to fragment the land on an ad hoc basis.

The proposed subdivision is not supported on the grounds that the small sized lots that would result would set a precedent for surrounding lots to be subdivided.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Moved Cr J Moir, seconded Cr M Skinner

That the proposed two (2) lot subdivision for Lot 836 Newdegate Road, Kendenup is not supported on the grounds that it would set a precedent for ad hoc subdivision of rural land in the locality into small lots.

Equality (4/4)

CASTING OF SECOND VOTE

Pursuant to Section 5.21 (3) of the Local Government Act (1995), the Presiding member exercised his discretion to cast a second vote, such vote being cast in the affirmative.

CARRIED (5/4)

NO. 70/08

COUNCIL DECISION

That the proposed two (2) lot subdivision for Lot 836 Newdegate Road, Kendenup is not supported on the grounds that it would set a precedent for ad hoc subdivision of rural land in the locality into small lots.

CARRIED (5/4)

NO. 71/08

3.35pm Cr K Clements returned to the meeting.

**11.1.4 LOT 6 CRYSTAL BROOK ROAD NEAR SPENCER ROAD, NARRIKUP - 2
LOT SUBDIVISION**

File No: LP/158/137103, RV/182/3255
Attachments: [Aerial Photograph](#)
[Location plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Juliet Albany
Planning Officer
Proposed Meeting Date: 8 April 2008

Purpose

The purpose of this report is to respond to the Western Australian Planning Commission (WAPC) regarding a proposal for a two lot subdivision of land zoned rural at Lot 6 Crystal Brook Road, near Spencer Road Narrikup.

Background

The land is bisected east west by an unconstructed road, possibly serving land locked Lot 12 to the west. The applicant argues that the dedicated road 'is considered significant in that it creates a barrier between parts of the property.' This subdivision proposal could formalise an existing cartographic situation. Aerial photos show the 'road' to be a fire break in the centre of a plantation.

Council records indicate that the owner is Mr John T Caley.

Statutory Environment

Planning and Development Act 2005
Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned rural

Western Australian Planning Commission (WAPC) Development Control Policy DC3.4 Subdivision of Rural Land - Significant Physical division - 'generally does not include rural roads or creeks that are commonly crossed for farm management purposes.'

Consultation

There has been no consultation for this report.

Financial Implications

There are no financial implications for this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

If approved the application could set a precedent for smaller lots in a rural area.

Officer Comment

A site visit revealed that the road appears to be a strip of open ground possibly a fire break between two areas of semi mature blue gums that are under the same ownership. The proposed Lot to the north has an existing house and sheds. There is no significant barrier or obstacle in the way of movement between different portions of the lot other than natural topography and tree plantations. There was no sign of the fire break / road being used by traffic, let alone being used regularly. There is no gate into the fire break from Crystal Brook Road.

On the ground there is no evidence that the road forms any sort of barrier at all in fact it could be usefully used to drive machinery and or stock. The application is not supported.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr J Moir, seconded Cr S Grylls**

That the application to subdivide Lot 6 Crystal Brook Road, near Spencer Road, Narrikup is not supported on the grounds that there is no significant existing physical division of the land and that to subdivide the land would set a precedent for the subdivision of other lots in a similar situation throughout the Shire.

CARRIED (8/1)

NO. 72/08

11.2 WORKS AND SERVICES REPORTS

11.2.1 CASTLE ROCK ROAD, PORONGURUP - PROPOSED PERMANENT PARTIAL ROAD CLOSURE

File No:	RO/144/1
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Ian Bartlett Manager Works and Services
Proposed Meeting Date:	8 April 2008

Purpose

The purpose of this report is to consider submissions received in relation to the advertising of the proposal to close a section of the Castle Rock Road Reserve south of Lot 580 (Mount Trio Winery) to the old Castle Rock car park, Porongurup.

A further purpose of this report is to recommend that the Minister for Planning and Infrastructure makes the necessary orders to close the section of road reserve permanently.

Background

Following a request from the Department of Environment and Conservation to close a section of the Castle Rock Road Reserve, the Council at its meeting held 12 February 2008, resolved that:

- '(1) Pursuant to Section 58 of the Land Administration Act 1997 local public notice be given of the proposal to permanently close the section of the Castle Rock Road Reserve, Porongurup, south of Lot 580 (Mount Trio Winery) to the old Castle Rock car park, as shown on the attached map and that each person who is prescribed for the purposes of Section 58 be given written notice of the proposal and that submissions be invited.*
- (2) A further report be prepared for the Council's consideration at the conclusion of advertising and no later than 25 March 2008.'*

The proposed closure has been advertised, as required by Section 58 of the Land Administration Act 1997, with the following responses received:

No Objection to Proposal

- WestNet Energy;
- Water Corporation;
- Department for Planning and Infrastructure; and
- Western Power.

No submissions were received in objection of the proposal.

Statutory Environment

Section 58 of the Land Administration Act 1997 relates to the permanent closure of roads.

Consultation

Public notice was provided in the Albany Advertiser, as required pursuant to Section 58 of the Land Administration Act 1997. A copy of the notice was also placed on the Shire website, Administration Office Noticeboard and Noticeboards at the Mount Barker and Rocky Gully Libraries.

Written notice of the proposal was provided to each person as prescribed for the purposes of Section 58 of the Land Administration Act 1997, inviting submissions to be forwarded to the Shire in writing.

Financial Implications

There are no financial implications for this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

All submissions received indicated that there were no objections to this proposal.

Given that no submissions were received in objection of the proposal, it is therefore recommended that the Council resolve to request the Minister for Planning and Infrastructure to permanently close the section of the Castle Rock Road Reserve, Porongurup, south of Lot 580 (Mount Trio Winery) to the old Castle Rock car park.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr J Moir

That:

- 1. The proposal by the Department of Environment and Conservation to permanently close the section of the Castle Rock Road Reserve, Porongurup, south of Lot 580 (Mount Trio Winery) to the old Castle Rock car park, be endorsed.**
- 2. The Minister for Planning and Infrastructure be requested to progress the road closure.**

CARRIED (9/0)

NO. 73/08

11.2.2 SIXTH AVENUE, KENDENUP - PROPOSED PERMANENT PARTIAL ROAD CLOSURE

File No: RO/144/1
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Ian Bartlett
Manager Works and Services
Proposed Meeting Date: 8 April 2008

Purpose

The purpose of this report is to consider submissions received in relation to the advertising of the proposal to close a section of the Sixth Avenue Road Reserve between Newman Street and Austin Street, Kendenup.

A further purpose of this report is to recommend that the Minister for Planning and Infrastructure makes the necessary orders to close the section of road permanently.

Background

Following a request from the Oyster Harbour Catchment Group, the Council at its meeting held 12 February 2008, resolved that:

- (1) *Pursuant to section 58 of the Land Administration Act 1997 local public notice be given of the proposal to permanently close the section of the Sixth Avenue Road Reserve, Kendenup, between Newman Street and Austin Street, as shown on the attached map and that each person who is prescribed for the purposes of Section 58 be given written notice of the proposal and that submissions be invited.*
- (2) *A further report be prepared for the Council's consideration at the conclusion of advertising and no later than 25 March 2008.'*

The proposed closure has been advertised, as required by Section 58 of the Land Administration Act 1997, with the following responses received:

No Objection to Proposal

- Department of Industry and Resources;
- Shire of Plantagenet;
- Department for Planning and Infrastructure;
- Water Corporation;
- WestNet Energy; and
- Western Power.

No submissions were received in objection of the proposal.

Statutory Environment

Section 58 of the Land Administration Act 1997 relates to the permanent closure of roads.

Consultation

Public notice was provided in the Albany Advertiser, as required pursuant to Section 58 of the Land Administration Act 1997. A copy of the notice was also placed on the Shire website, Administration Office Noticeboard and Noticeboards at the Mount Barker and Rocky Gully Libraries and in both Shops at Kendenup.

Written notice of the proposal was provided to each person as prescribed for the purposes of Section 58 of the Land Administration Act 1997, inviting submissions to be forwarded to the Shire in writing.

Financial Implications

There are no financial implications for this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

All submissions received indicated that there were no objections to this proposal.

Given that no submissions were received in objection of the proposal, it is therefore recommended that the Council resolve to request the Minister for Planning and Infrastructure to permanently close the section of the Sixth Avenue Road Reserve, between Newman Street and Austin Street, Kendenup.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark

That:

- 1. The proposal by the Oyster Harbour Catchment Group to permanently close the Sixth Avenue Road Reserve, Kendenup, between Newman Street and Austin Street, be endorsed.**
- 2. The Minister for Planning and Infrastructure be requested to progress the road closure.**

CARRIED (9/0)

NO. 74/08

11.2.3 PLANT REPLACEMENT PROGRAM 2008 - 2013

File No:	PS/4/6
Attachments:	<u>Plant Replacement Program 2008 - 2013</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Ian Bartlett Manager Works and Services
Proposed Meeting Date:	8 April 2008

Purpose

The purpose of this report is to endorse the five (5) year plant replacement program for the period 2008 to 2013.

Background

Each year the Council reviews the plant replacement program in order to maximise effectiveness of the plant being acquired to undertake works and maintenance programs.

Statutory Environment

There are no statutory requirements for this report.

Consultation

Consultation has occurred between Mr Ian Bartlett – Manager Works and Services, Mr Wayne Griffiths – Principal Works Supervisor, Mr Michael Seaman – Mechanic and Ms Megan Sounness – Administration Officer Works and Services, who have responsibility for this area.

Financial Implications

The Plant Replacement Program details the proposed expenditure for each budget during the five (5) year period from 2008 / 2009 to 2012 / 2013.

Policy Implications

Council Policy I/PM/1 – Plant – General Policy applies to this report.

Asset Management Implications

This report relates to the acquisition of capital plant items. Accordingly the items will be listed in the Council's asset register at historical cost and, on a monthly basis, will be written down, based on useful lives to the Council and in accordance with Council Policy I/MP/1 (Plant – General Policy). Depreciation will be cash backed, at least partially, based on the Council's 5 year rolling plant replacement program. The Plant Replacement Program is drawn up based on the expected useful life of individual plant items.

Strategic Implications

The development of a five (5) year Plant Replacement Program is consistent with the Shire's Strategic Plan, Key Result Area 2 – Infrastructure, which states the Council will undertake 'Development of asset management and information systems to more effectively utilise scarce resources.'

Officer Comment

The five (5) year Plant Replacement Program provides a view of the financial requirement for plant replacement in the coming year's budget while also providing a view of what budgets in the near future may expect to incorporate for the replacement of plant.

It is noted that expenditure incorporated for future years, is not distributed evenly. This will require further review closer to each year in order to even out expenditure. Prices for light / passenger vehicles have not been included as Officers are still awaiting quotes. A full plant replacement program including this information will be submitted in conjunction with further budget deliberations.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Moved Cr J Mark, seconded Cr B Hollingworth

That the five (5) year Plant Replacement Program, as attached, be recommended for inclusion in the 2008 / 2009 Draft Annual Budget and Plan for the Future.

MOTION TO SUSPEND STANDING ORDERS

Moved Cr K Clements, seconded Cr J Mark

3.40pm That those sections of Standing Orders that would prevent any Councillor from speaking twice to a motion or which would prevent a Councillor speaking when no motion was before the Chair be suspended.

CARRIED (9/0)

NO. 75/08

MOTION TO RESUME STANDING ORDERS

Moved Cr B Hollingworth, seconded Cr J Mark

3.58pm That Standing Orders be resumed.

CARRIED (9/0)

NO. 76/08

COUNCIL DECISION

THE SUBSTANTIVE MOTION WAS PUT

CARRIED (9/0)

NO. 77/08

11.2.4 POLICY REVIEW - GATE PERMITS

A Financial Interest was disclosed by Cr K Forbes
Nature of Interest: Undeveloped Road Corridor on One Property

A Financial Interest was disclosed by Cr M Skinner
Nature of Interest: Farming Land includes Road Reserves.

3.50pm Cr K Forbes and Cr M Skinner withdrew from the meeting and Cr B Hollingworth assumed the chair.

File No: PR/120/3
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Megan Sounness
Administration Officer Works and Services
Proposed Meeting Date: 8 April 2008

Purpose

The purpose of this report is to review Council Policy RS/G/1 – Gate Permits / Outside / Boundary Fences.

Background

Council Policy RS/G/1 – Gate Permits / Outside / Boundary Fences reads as follows:

'POLICY: That the erection of gates and stock grids across road reserves be permitted on unconstructed roads and in alignment with property boundaries only. Erection of gates across road reserves to convenience internal property separation is not permitted.

That Council require:

- *The applicant to provide written consent from all affected landowners*
- *Renewal of the permit every three (3) years*
- *That the gate not be locked at any time*
- *All maintenance for the gate to be the responsibility of and at the expense of the applicant*
- *Any clearing of the road reserve beyond the gate by any party other than Council or Government Agencies is prohibited.*
- *In July 2000 Council resolved to permit a 2 metre wide clearing outside of boundary fences.*

These existing policies will be incorporated into a new policy for Control of Trees for Protection of Property.'

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred between Mr Ian Bartlett – Manager Works and Services, Mr Jim Robertson – Engineering Technical Officer, Mr Anthony Svanberg – Cadet Engineer, Ms Megan Sounness – Administration Officer Works and Services, Mr Wayne Griffiths – Principal Works Supervisor and Mr Geoff Scott – Maintenance Supervisor who have responsibility for this area.

Financial Implications

There are no financial implications for this report.

Policy Implications

The review of this policy is presented to the Council as part of the ongoing Council policy review cycle.

Strategic Implications

The Council's Strategic Plan Key Results Area 1, New Initiative 1.4 provides the following:

'1.4 Ensure the administrative systems framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken.

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence; and
- Promote and provide access to policies, standards and legislation.'

Officer Comment

It is considered that this policy should be amended to include an objective and to reflect the land clearing requirements set by the Department of Environment and Conservation. Additional points have also been included into the amended policy to reflect Legislative and Council requirements.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Moved Cr D Nye-Chart, seconded Cr A Budrikis

That Council Policy RS/G/1 – Gate Permits as amended:

OBJECTIVE:

To provide clear guidelines to the Council, its staff and residents of the Shire of Plantagenet regarding gate permits within the Shire.

POLICY:

That:

- (1) That the erection of gates and stock grids across road reserves is permitted on unconstructed roads and in alignment with property boundaries only.

- (2) Erection of gates across road reserves to convenience internal property separation is not permitted.
- (3) On applying for a gate permit, written consent from affected landowners is provided by the applicant.
- (4) Renewal of each gate permit shall be required every three (3) years in October.
- (5) A Council database shall be developed and shall hold details of all approved gate permits.
- (6) Gates shall not be locked at any time.
- (7) All maintenance and associated expenses relating to a gate shall be the responsibility of the applicant.
- (8) Any clearing of the road reserve beyond the gate by any party other than the Council or Government Agencies is prohibited.
- (9) In accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, clearing of no more than 1.5m outside of boundary fences is permitted.
- (10) Shire of Plantagenet reserves the right to random inspections of gates and to revoke permits if conditions are not met.'

be endorsed.

AMENDMENT

Moved Cr K Clements, seconded Cr J Mark

That the Policy be amended by deleting Part 2 and be renumbered accordingly.

CARRIED (7/0)

NO. 78/08

COUNCIL DECISION

That Council Policy RS/G/1 – Gate Permits as amended:

OBJECTIVE:

To provide clear guidelines to the Council, its staff and residents of the Shire of Plantagenet regarding gate permits within the Shire.

POLICY:

That:

- (1) That the erection of gates and stock grids across road reserves is permitted on unconstructed roads and in alignment with property boundaries only.

- (2) On applying for a gate permit, written consent from affected landowners is provided by the applicant.
- (3) Renewal of each gate permit shall be required every three (3) years in October.
- (4) A Council database shall be developed and shall hold details of all approved gate permits.
- (5) Gates shall not be locked at any time.
- (6) All maintenance and associated expenses relating to a gate shall be the responsibility of the applicant.
- (7) Any clearing of the road reserve beyond the gate by any party other than the Council or Government Agencies is prohibited.
- (8) In accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, clearing of no more than 1.5m outside of boundary fences is permitted.
- (9) Shire of Plantagenet reserves the right to random inspections of gates and to revoke permits if conditions are not met.'

be endorsed.

CARRIED (7/0)

NO. 79/08

4.00pm Cr K Forbes and Cr M Skinner returned to the meeting and Cr Forbes assumed the Chair.

11.3 CORPORATE SERVICES REPORTS

11.3.1 SELF SUPPORTING LOAN - MOUNT BARKER GOLF CLUB INC

A Financial Interest was disclosed by Cr J Mark.

Nature of Interest: Member of the Mount Barker Golf Club

4.00pm Cr J Mark withdrew from the meeting.

File No: FM/96/8
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 8 April 2008

Purpose

The purpose of this report is to consider a request by the Mount Barker Golf Club Inc for a self supporting loan to assist with the conversion of the Club's turf bowling greens to synthetic carpet.

Background

The Mount Barker Golf Club Inc currently has two grassed bowling greens, which require high maintenance (mowing, fertilising, spraying etc) and only allow usage during the summer months. The request for a self supporting loan is to assist with the replacement of both bowling greens, which will cost \$373,560.00. Construction is scheduled to being in the week commencing 31 March 2008.

The Club has secured grants of \$50,000.00 for each green from the Australian Government's Community Water Grants Scheme. In accordance with the Council's policy on Self Supporting Loans, the Club has requested a loan from the Council of \$187,000.00. The Club intends to take out a bank loan to secure the remaining funds (\$86,560.00).

The move to synthetic bowling greens will reduce water bills and greens maintenance and therefore the need for a green keeper and usage can occur all year around, as weather conditions do not alter the playing surface. Potential savings of \$48,000.00 to \$60,000.00 per year have been estimated by the Club, which can be used to service the loan. In addition the club can sell some surplus plant and equipment.

Statutory Environment

Section 6.20 Local Government Act (1995) relates to borrowings by local authorities. This section requires one month's local public notice and submission period if the proposal to borrow was not included in the annual budget. Such advertising would need to be undertaken in this instance.

Consultation

One meeting has been held with representatives of the Mount Barker Golf Club Inc.

Financial Implications

All repayments relating to self supporting loans would be met by the Mount Barker Golf Club Inc and therefore there are minimal financial implications to the Council. Should the Club cease to exist then the loan will become the Council's responsibility. However, additional borrowings are likely to affect the Council's ability to borrow more money for its own purposes.

Policy Implications

- Council policy F/FM/1 relates to self supporting loans. The policy states as follows:

“OBJECTIVE:

To assist clubs and organisations in improving community based facilities.

POLICY:

Eligible Organisations

Loans will only be considered for applicants that are incorporated bodies occupying land either owned by, or vested in the care, control and management of a community organisation.

Organisations are to provide:

- Three (3) years audited financial statements;
- A business plan for the proposed term of the loan that clearly demonstrates an ability to repay;
- Constitution;
- Minute agreeing to borrow funds.

Funding Details

Funds will only be provided for capital works on the subject land when ownership of all infrastructure ultimately vests in the community (notwithstanding established leasehold arrangements).

Loans will be provided at the State Treasury interest rate when drawing the loan and will be fixed for the duration of the loan. The term of the loan is not to exceed ten (10) years. Loan repayments will generally be six (6) monthly unless the applicant organisation requests otherwise.

Approval Process

Council will consider the approval of the loan on the following basis:

1. Demonstrated ability to repay.
2. Maximum loan amount 50% project cost or 50% of value of completed structure (not to include land content).
3. Stability, sound management, membership base, community accessibility, and longevity of applicant organisation.
4. Capital improvements.
5. Debenture security over assets (including lease) of organisation if considered appropriate.

Any proposal to lend to a community organisation that has not been included in the Council's annual budget must be advertised for one month in accordance with section 6.20 (2) of the Local Government Act 1995.

Other

Funds will only be released after documentary proof of significant expenditure (or committed expenditure) is submitted.

- Council will seek any remedy available to it under law in terms of the recovery of delinquent instalments of loans."
- In addition, the Council's Policy on Borrowings (F/FM/6) recommends that the following financial ratios to be maintained:

	Council Policy	2006/07 Actual	2006/07 plus \$187,000
1. Debt Service Ratio A	< 10%	6.69%	7.03%
This ratio means:			
<u>Debt Service Cost</u>			
Available Operating Revenue			
2. Debt Service Ratio B	< 30%	14.99%	15.76%
This ratio means:			
<u>Debt Service Cost</u>			
Total Rate Revenue			
3. Gross Debt to Revenue Ratio	< 50%	64.39%	66.76%
This ratio means:			
<u>Gross Debt</u>			
Total Revenue			

- Ratios 1 and 2 are currently being met and will continue to be met. Ratio 3 is currently outside the Council's recommended policy range and will be marginally worse with the current proposal.

Strategic Implications

There are no Strategic Implications for this report.

Officer Comment

The loan of \$187,000 would be taken out over ten (10) years, fixed at the interest rate of the day of draw down. Repayments on a ten year loan at 7.03% (current interest rate) would be \$26,459 per year and \$76,508 worth of interest would be paid over the life of the loan.

Should the Council approve this request, then the Council's total loan indebtedness would rise to \$5,275,532 with the self supporting loan component being \$200,688.

In accordance with the requirements of the Council's Self Supporting Loan policy, the Club has provided the following information in support of the application:

- Minutes of Special General meeting held on 10 December 2007 agreeing to borrow the necessary funds.
- Greens Construction Contract (unsigned).

- Proposed income and expenditure for 2008/09 and 2009/10.
- Financial Statements for years ended 30/11/2004, 30/11/2005, 30/11/2006 and 3/12/2007.

The Club could raise the required funds from a bank loan, however prefers a self supporting loan component due to the cost savings. The club is currently progressing a scheme amendment request to rezone a part of its property from Rural to Rural Residential. Within the next two years, the club expects to receive a subdivision approval on this land, following which the land will be sold to developers for approximately \$900,000.00. Whilst the club is leaving its options open, this money could be used to pay off the loans. In any case, the club is confident that it has the financial capacity to repay the self supporting loan.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr B Hollingworth

That:

- 1. The Mount Barker Golf Club (Inc.) be offered a \$187,000.00 self supporting loan subject to the following conditions:**
 - (a) The Council securing a corresponding loan from the Western Australian Treasury Corporation.**
 - (b) The interest rate to be fixed for the life of the loan;**
 - (c) Debenture security over assets, including floating stock;**
 - (d) No further loans to be entered into (other than the loan required to install the synthetic greens and a normal operating overdraft) without the prior approval of the Council;**
 - (e) The funds only being released after documentary proof of committed expenditure can be provided; and**
 - (f) Advertising be paid by the Mount Barker Golf Club (Inc.).**
- 2. The proposal to borrow be advertised inviting public submissions pursuant to the Local Government Act (1995) and, if no adverse submissions are received, the Shire President and Chief Executive Officer be authorised to execute the loan agreement.**

CARRIED (8/0)

NO. 80/08

(ABSOLUTE MAJORITY)

4.15pm Cr J Mark returned to the meeting.

MOTION TO ADJOURN THE MEETING

Moved Cr K Clements, seconded Cr J Moir

4.15pm That the Meeting be adjourned for Councillors' group photograph.

CARRIED (9/0)

NO. 81/08

RESUMPTION

4.36pm The meeting resumed.

Members Present:

Cr K Forbes
Cr B Hollingworth
Cr A Budrikis
Cr K Clements
Cr S Grylls
Cr J Mark
Cr J Moir
Cr D Nye-Chart
Cr M Skinner

In Attendance:

Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Ms N Selesnew	Manager Community Services
Mr P Duncan	Manager Development Services
Mr I Bartlett	Manager Works and Services
Mrs K Skinner	Executive Secretary

11.3.2 WRAGG ROAD SOUTH - PUBLIC SUBMISSIONS

File No:	RO/107/1
Attachments:	<u>Map of Road location - Wragg Road South</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Donna Stevens Senior Administration Human Resource Officer
Proposed Meeting Date:	8 April 2008

Purpose

The purpose of this report is to consider the public submissions received for the proposal to name the unnamed road reserve located south of Wragg Road, 'Wragg Road South'.

Background

At its meeting held on 12 February 2008 the Council resolved:

'That:

- 1. The proposal to apply the name Wragg Road South to the unnamed road reserve located south off Wragg Road as shown in the attached plan be advertised for public comment.*
- 2. Subject to no objections being received during the advertising period the road naming proposal for Wragg Road South be forwarded to the Geographic Names Committee for endorsement.'*

This proposal was advertised for a two week period and two submissions were received.

The first submission was received from Robert and Pam Sounness. The original request to name this road came from Pam Sounness and this submission was a letter supporting the Council's decision. They believe that Wragg Road South '...will clearly identify the road locality...'

The second submission was received from Jenny Egerton-Warburton. She requested that the Council consider the name 'Wragg Lane' instead of 'Wragg Road South'.

The Geographic Names Committee's description of a Lane is a narrow way between walls, buildings, a narrow country or city roadway.

According to the Shire's Rural Road Hierarchy this road is considered a class C road which means it is constructed to the standard eight metre formation.

Statutory Environment

The Land Administration Act 1997 governs the road naming process.

Consultation

Public submissions were sought for a two week period.

Financial Implications

All costs associated with advertising and signage will be the responsibility of the Shire. It is estimated that this will cost approximately \$500.00.

Policy Implications

Council Policy I/RR/1 - Future Street and Reserve Names provides a list of Council approved names. Wragg Road South is not on this register.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Given the road is constructed to standard size formation and that the name 'Wragg Road South' will likely better identify the location of the road, it is considered that the original proposal to name the road 'Wragg Road South' be endorsed.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr J Mark, seconded Cr D Nye-Chart**

That the proposal to apply the name Wragg Road South to the unnamed road reserve located south off Wragg Road as shown in the attached plan be forwarded to the Geographic Names Committee for endorsement.

CARRIED (9/0)

NO. 82/08

11.4 EXECUTIVE SERVICES REPORTS

11.4.1 COMMITTEE MINUTES

File No: LP/103/3, CA/103/1, RO/103/9

Attachments: [Townscape Review Steering Committee - 18 March 2008](#)
[Great Southern Regional Cattle Saleyards Committee - 12 February 2008](#)
RoadWise Steering Committee – 27 March 2008

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Kaye Skinner
Executive Secretary

Proposed Meeting Date: 8 April 2008

Purpose

The purpose of this report is to receive the following Committee Minutes:

- Audit Committee – 12 February 2008
- Townscape Review Steering Committee – 8 February and 18 March 2008
- Great Southern Regional Cattle Saleyards Committee – 12 February 2008
- Local Emergency Management Committee (LEMC) – 5 February 2008
- Bushfire Advisory Committee – 6 February 2008
- RoadWise Committee – 27 March 2008

Financial Implications

There are no financial implications for this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Any further issues or recommendations arising from these Minutes will be the subject of a separate report to the Council.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth seconded Cr J Mark

That the Minutes of:

- 1. Audit Committee Meeting – 12 February 2008.**
- 2. Townscape Review Steering Committee – 8 February and 18 March 2008.**
- 3. Great Southern Regional Cattle Saleyards Committee – 12 February 2008.**
- 4. Local Emergency Management Committee – 5 February 2008.**
- 5. Bushfire Advisory Committee – 6 February 2008.**
- 6. RoadWise Committee – 27 March 2008.**

be received.

CARRIED (9/0)

NO. 83/08

11.4.2 FEES-WASTE

File No: WM/103/2
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 8 April 2008

Purpose

The purpose of this report is to recommend adoption of fees and charges for the disposal of waste at the Council's various landfill and transfer station sites.

Background

At its meeting held 24 July 2007, the Council adopted a series of fees for waste disposal within the Shire of Plantagenet for inclusion in the 2007 / 2008 Annual Budget. These fees were not implemented during the financial year.

Statutory Environment

Health Act 1911

Local Government Act 1995 (Section 6.17) relates to the setting of fees and charges.

Section 40 of the Health Act 1911 relates to the adoption of a general health rate.

Local Laws relating to the Operation of the Shire of Plantagenet Landfill and Transfer Station Facilities 2004.

Consultation

No external consultation has taken place with regard to the recommendations in this report. If adopted, public dissemination will be required.

Financial Implications

It is expected that revenue in the order of \$50,000.00 will be raised through the suggested fees.

Policy Implications

By Government Gazette 1 June 2007 the Government introduced its Zero Waste Plan Development Scheme. The comparatively lengthy gazette notes 'the state government considers the adoption and implementation by local government of Zero Waste Plans to be a vital first step in facilitating the behavioural changes required to work towards Zero Waste in Western Australia.' The vision in the Gazettal Notice notes 'all Western Australians will move towards a waste free society. The government proposes to promote a shift away from solely focusing on reducing the amount of waste disposed to landfill towards the management of the whole life cycle of every product and its waste, from creation to disposal, with the prevention of waste to become the main focus.'

The Gazette notes that Waste prevention will be achieved through 'active decisions made to anticipate where the generation of waste begins, and to stop this from occurring.'

A further objective of the scheme is to encourage local governments to take a regional view of waste management and recycling and to develop collaborative approaches with neighbouring local governments to work towards the vision of zero waste in Western Australia.

Members are advised that funding under the Zero Waste Plan Development Scheme has already been sought, and, in accordance with Council direction, liaison with the Shires of Cranbrook and Denmark has commenced.

The adoption by the Government of the above policy will mean that the Shire will be encouraged to work toward the Zero Waste outcomes set down by the Government.

Strategic Implications

The Council's Strategic Plan Key Result Area 2 - Infrastructure provides as an aim: 'To protect the community's health by managing waste in a timely, effective, economic and environmentally safe manner.'

Officer Comment

This report will present to the Council the previously adopted regime for charging to deposit waste at waste sites.

An area of concern is the distribution of equitable services across the Shire. This has historically been difficult due to the provision of kerbside 240 litre mobile garbage bin (MGB) pick ups in residential areas such as Mount Barker, Narrikup, Kendenup (and Pardelup) but not in Porongurup, Rocky Gully or any rural areas. When the Council first adopted a general health (refuse) rate, this was designed to partially offset the inequity that had arisen through the cost of waste management being factored into the kerb side service. Accordingly, with the introduction of the refuse rate, the kerb side service charge was reduced by the amount of the refuse rate and then the refuse rate was levied across the whole shire, with some exceptions for multiple ownership.

The proposal now will be to adopt shire wide charges but to introduce a free component for those who do not enjoy a kerb side pick up. By introducing a free allowance this will enable domestic waste to be disposed of at waste sites while anything over the free allowance will be charged at the normal rate.

It is proposed that the existing MGB to those areas enjoying this service remain as is and that the charge remain at \$132.00. This will raise \$140,295.00 in the 2008 / 2009 financial year.

It will also be suggested that for those areas enjoying the MGB service (and other urban areas that do not enjoy such a service) to receive two (2) bulk verge collections a year: one (1) x green waste and one (1) x hard waste respectively. It is suggested that a further report be prepared regarding this initiative. Costings are unknown at this stage but the collections could be scheduled to occur outside of road

construction periods so that day labour and Council owned plant could be used. This would involve a truck and skid-steer loader and three or four operators.

It will be proposed that for all areas that do not enjoy the MGB service (including urban areas that do not receive the service) a free non cumulative allowance of .5 m³ of waste per week to waste sites. This allowance will apply after waste from the domestic component of a farm operation. Anything above the .5m³ would be charged at the normal rates. For those who enjoy the MGB service and the verge pick ups, there would be no free allowance. (The free allowance is equivalent to two (2) MGB's per week).

This regime will have the effect of encouraging the reduction of waste at both a domestic and commercial level.

It is recommended that the refuse rate remain at the minimum of charge of \$53.00. The General Health (Refuse) Rate raises \$150,000.00. With proposed fees for the dumping of waste it is expected that waste operations could break even in 2008 / 2009. Without fees, a loss would be incurred which would be made up from general rate revenue. If fees are not charged then the General Health rate should be increased to \$68.00 to avoid utilising general revenue (ie: raise an extra \$50,000.00).

It is recommended that loads exceeding 2m³ not be accepted at transfer stations. Loads bigger than this should be deposited at O'Neill Road. This may require Local Law amendment to achieve the restriction.

It is suggested that:

Materials Accepted	Charge per cubic metre or part thereof
Clean fill	No charge
Uncontaminated and sorted scrap metal	No Charge
Uncontaminated Green Waste	No Charge
All other waste	\$10.00

In addition, O'Neill Road will accept:

Materials Accepted	Charge
Asbestos	\$50/m ³
Septage	\$10/kilolitre (kl)
Carcases	\$2.00 small animal \$10.00 large animal

Waste Oil	0.20c/litre
Recyclables (if placed in provided bin or nominated area)	No charge

This charging regime with restricted hours and specific services could have the effect of encouraging consumers to examine their production of waste and, potentially, their buying habits. Purchasing decisions may be based on details such as packaging, bio degradability, recycling etc.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Moved Cr J Moir, seconded Cr A Budrikis

That:

1. All waste deposited at the Council's fenced and staffed Waste Facilities by other than Council staff or contractors be charged at the following rates, such rates being recommended for adoption during the 2008 / 2009 Budget Adoption process.

Materials Accepted	Charge per cubic metre or part thereof
Clean fill	No charge
Uncontaminated and sorted scrap metal	No Charge
Uncontaminated Green Waste	No Charge
All other waste	\$10.00

In addition, O'Neill Road will accept:

Materials Accepted	Charge
Asbestos	\$50/m ³
Septage	\$10/kilolitre (kl)
Carcases	\$2.00 small animal \$10.00 large animal

Waste Oil	0.20c/litre
Recyclables (if placed in provided bin or nominated area)	No charge

For those residents not receiving a weekly kerbside rubbish pickup, a free weekly allowance of up to .5m³ of waste be implemented, such allowance being non-cumulative and only available on provision of satisfactory evidence that no kerbside pickup is available.

2. A further report be prepared by the Manager of Works and Services regarding the implementation of a Bulk Pickup Service across the Shire, of one green waste and one bulky items per year, such report to be prepared for the Council Meeting to be held on 26 August 2008.
3. A further report be prepared for the Council Meeting to be held on 26 August 2008 relating to Local Law changes that may be necessary to effect changes to materials that may be deposited at waste sites.
4. The matters referred to in part (1) above be widely advertised for public information.

AMENDMENT

Moved Cr K Clements, seconded Cr J Mark

That part 2 be deleted.

CARRIED (5/4)

NO. 84/08

AMENDMENT

Moved Cr K Clements, seconded Cr D Nye-Chart

That a further part 2 be added to the motion as follows:

‘That a further report be prepared for the Council Meeting to be held on 26 August 2008 addressing the implementation of a proposal granting all residents across the Shire four (4) free weekends per year to dispose of residential bulky rubbish at the Mount Barker, Kendenup, Porongurup and Kamballup Landfill / Transfer Station Sites.’

CARRIED (7/2)

NO. 85/08

COUNCIL DECISION

That:

1. All waste deposited at the Council's fenced and staffed Waste Facilities by other than Council staff or contractors be charged at the following rates, such rates being recommended for adoption during the 2008 / 2009 Budget Adoption process.

Materials Accepted	Charge per cubic metre or part thereof
Clean fill	No charge
Uncontaminated and sorted scrap metal	No Charge
Uncontaminated Green Waste	No Charge
All other waste	\$10.00

In addition, O'Neill Road will accept:

Materials Accepted	Charge
Asbestos	\$50/m ³
Septage	\$10/kilolitre (kl)
Carcases	\$2.00 small animal \$10.00 large animal
Waste Oil	.20c per litre
Recyclables (if placed in provided bin or nominated area)	No charge

For those residents not receiving a weekly kerbside rubbish pickup, a free weekly allowance of up to .5m³ of waste be implemented, such allowance being non-cumulative and only available on provision of satisfactory evidence that no kerbside pickup is available.

2. That a further report be prepared for the Council Meeting to be held on 26 August 2008 addressing the implementation of a proposal granting all residents across the Shire four (4) free weekends per year to dispose of

residential bulky rubbish at the Mount Barker, Kendenup, Porongurup and Kamballup Landfill / Transfer Station Sites.'

3. A further report be prepared for the Council Meeting to be held on 26 August 2008 relating to Local Law changes that may be necessary to effect changes to materials that may be deposited at waste sites.
4. The matters referred to in part (1) above be widely advertised for public information.

CARRIED (9/0)

NO. 86/08

**11.4.3 LAND ACQUISITION BY MAIN ROADS WA - LOT 105 ALBANY HIGHWAY
AND LOT 302 MUIRS HIGHWAY MOUNT BARKER**

File No: CP/176/1
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 8 April 2008

Purpose

The purpose of this report is to authorise the affixing of the Council's common seal to documentation relating to the compensation to be paid to the Council by Main Roads WA for Lot 105 Albany Highway and Lot 302 Muirs Highway Mount Barker.

Background

At its meeting held on 12 June 2007 the Council resolved:

'That in relation to the Main Roads WA Taking Order for Shire of Plantagenet owned land required in the construction of the Mount Barker Northern Bypass:

- (1) The Council submit a claim for compensation with Main Roads WA for Lot 105 Albany Highway and Lot 302 Muirs Highway, Mount Barker.*
- (2) The claim for compensation be negotiated based on a minimum of \$180,000.00 as per the Main Roads WA offer or the independent valuation whichever is the larger.'*

Subsequently by memorandum dated 6 March 2008 Councillors were advised by the Chief Executive Officer that the further negotiations required were successful and that an offer had been received by Main Roads WA in the order of \$180,000.00. The memo further advised that the offer had been accepted.

It is now necessary for the Council to authorise the affixing of the seal for the Deed of Settlement. Councillors will recall that the Taking Order had been issued so that the Mount Barker Northern By-pass could be constructed.

Statutory Environment

A Taking Order is issued in accordance with the Land Administration Act 1997.

Consultation

No consultation has occurred in relation to this report.

Financial Implications

The compensation to be paid to the Council is \$180,000.00.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Hollingworth, seconded Cr J Mark

That the Shire President and Chief Executive Officer be authorised to affix the Common Seal of the Shire of Plantagenet to the following documentation:

- 1. Discharge of claim between the Shire of Plantagenet and the Commissioner of Main Roads for the sum of \$180,000.00 being settlement for Taking Order K33087 for the land described as:**
 - (i) Lot 105 on Deposited Plan 52808 and being the whole of the land in Certificate of Crown Land Title Volume 3141 Folio 274; and**
 - (ii) Lot 302 on Deposited Plan 52847 and being the whole of the land in Certificate of Crown Land Title Volume 3141 Folio 218.**
- 2. Authority for the compensation referred to above to be paid to the Shire of Plantagenet.**

AMENDMENT

Moved Cr J Mark, seconded Cr A Budrikis

That a point three (3) be added:

'The sum of \$180,000.00 be classified as a restricted asset.'

5.20pm Cr D Nye-Chart withdrew from the meeting.

CARRIED (7/1)

NO. 87/08

COUNCIL DECISION

That the Shire President and Chief Executive Officer be authorised to affix the Common Seal of the Shire of Plantagenet to the following documentation:

- 1. Discharge of claim between the Shire of Plantagenet and the Commissioner of Main Roads for the sum of \$180,000.00 being settlement for Taking Order K33087 for the land described as:**
 - (i) Lot 105 on Deposited Plan 52808 and being the whole of the land in Certificate of Crown Land Title Volume 3141 Folio 274; and**

- (ii) Lot 302 on Deposited Plan 52847 and being the whole of the land in Certificate of Crown Land Title Volume 3141 Folio 218.
- 2. Authority for the compensation referred to above to be paid to the Shire of Plantagenet.
- 3. The sum of \$180,000.00 be classified as a restricted asset.

CARRIED (8/0)

NO. 88/08

11.4.4 WALPOLE WILDERNESS MANAGEMENT PLAN

File No: GR/97/7
Attachment: (1) Letter
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 8 April 2008

Purpose

The purpose of this report is to advise the Council that following a public submission period that closed on 1 December 2006, proposed final management plans for Walpole Wilderness and adjacent parks and reserves have been received.

The matter has been referred to the Council as the Shire of Plantagenet prepared a submission during the public consultation period.

Background

The Walpole Wilderness Area has been the subject of consideration for several years. The Department of Environment and Conservation and the Conservation Commission released the draft management plan for submissions up until 1 December 2006. In 2004 the Department of Conservation and Land Management sought the Council's support for the reservation of land within the Walpole Wilderness Area as National Park. The Council at its meeting held on 13 April 2004 when considering this matter resolved:

'That with regard to the letters from the Executive Director of the Department of Conservation and Land Management (CALM) dated 13 January and 24 March 2004 seeking the Council's support for reservation of the land within the Walpole Wilderness Area as National Park the Department be advised that the Shire of Plantagenet will not support such reservation until such time as concerns raised by the Chief Executive Officer by letter to CALM dated 28 January 2004 are adequately responded to, and the future membership and existence of the management committee is confirmed.'

A copy of the letter referred to above is attached. It refers to a range of issues including gravel extraction, wildflower picking, wood for craft wood and fire wood, bush fire management, future water resources, heritage horse trails and indigenous involvement.

In June 2004 the Department of Conservation and Land Management responded to the Council and a copy of that letter is attached.

Statutory Environment

The plan was prepared in accordance with the provisions of the Conservation and Land Management Act 1984.

Consultation

Significant consultation was undertaken by the Department of Environment and Conservation regarding this matter including Shire of Plantagenet elected member representation.

Financial Implications

There are no financial implications for this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

The Council's submission to the Department related to a variety of matters, including:

- Bushfire management;
- Heritage horse trails;
- Access to road making materials;
- Access to wildflower activities;
- Access to water resources; and
- More effective community involvement.

With relation to the above, the Department advises with regard to bush fire management the Department has a Master Burn Plan in place for ongoing fuel reduction on a rolling three (3) year indicative burn program.

With regard to horse riding, the plan notes a north south long distance horse riding trail and associated facilities linking with the historic stock route alignments. The plan notes that complete assessment and identification of a suitable route has not been undertaken.

With regard to access to road making materials the plan notes that access to gravel is through the State Gravel Supply Strategy and the Local Government Act 1995. With regard to wild flower activities, the plan provides for wild flower picking within forest conservation areas and the development and implementation of management controls to prevent adverse impacts to ensure sustainability.

With regard to access to water resources, the plan identifies priority areas for provision of future water resources and protects these areas within appropriate reserves that can cater for water supply.

With regard to community involvement the department advises that the community involvement is an integral part of ongoing management.

Officer Comment

No further response to the Department of Environment and Conservation is necessary. The Council was very involved during the public consultation process and each of the Council's concerns would appear to have been addressed.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr K Clements

That the preparation of a Management Plan for the Walpole Wilderness and Adjacent Parks and Reserves by the Department of the Environment and Conservation be noted.

CARRIED (8/0)

NO. 89/08

**11.4.5 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION -
SYSTEMIC SUSTAINABILITY STUDY**

File No: CM/118/4
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 8 April 2008

Purpose

The purpose of this report is to advise that the Western Australian Local Government Association (WALGA) has released a report entitled 'The Journey: Sustainability into the Future'. All Councillors have received a copy of this report.

The paper is open for comment for a period of six (6) weeks concluding 15 April 2008 and the purpose of this report is to seek the Council's viewpoint so that a response can be made.

Background

All Councillors would be aware that the report has resulted from a motion from the 2004 WALGA Annual General Meeting requesting a Structural Reform forum to be held.

Consultation

The Shire of Plantagenet has not consulted with the community regarding this matter.

Financial Implications

The suggested course of action would require a budget allocation of \$10,000.00. A 'Connecting Local Government' grant could be available.

Policy Implications

There are no policy implications for this report.

Strategic Implications

The Council's Strategic Plan at Key Result Area 5 (Strategic Planning) notes one of the aims for the Council is the development of strategic partnerships and the fostering of regional cooperation. Further, the strategic plan calls for the coordination of long term planning for sustainable, environmental, economic and social development of the Shire and the Great Southern.

Officer Comment

The WALGA report has been discussed at a Great Southern WALGA meeting in Mount Barker on 28 March 2008. The Chief Executive Officers of the City of Albany and the Shires of Cranbrook, Denmark and Plantagenet also discussed the report in Mount Barker on 31 March 2008.

As maybe expected, the comments on the report are many and varied. For example elected representatives from the Great Southern have indicated that the report either does not go far enough or possibly goes too far. The Chief Executive Officers of the Councils of the Lower Great Southern also have varying opinions regarding the report but are unanimous in their belief that research should be undertaken to enable a definitive decision to be made regarding the efficacy of the regional model as put forward in the report. To this end the Chief Executive Officers are recommending that the four (4) Councils allocate an amount of \$10,000.00 each in the 2008 / 2009 financial year toward the engagement of an external business analyst to examine the business case for capital roads works within the Lower Great Southern to be undertaken on a regional basis possibly by a Regional Council.

In this way a combined response of the Councils of the Lower Great Southern could be made to WALGA along the lines that the regional model would appear to be workable and that the four (4) Councils of the Lower Great Southern will develop a business case for the undertaking of roadworks by a central body on behalf of each of the member Councils.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Moved Cr K Clements, seconded Cr J Mark

That:

- 1. The Western Australian Local Government Association be advised that with regard to the Association's publication 'The Journey: Sustainability into the Future' the Shire of Plantagenet, along with the Councils of the City of Albany, Shire of Cranbrook and the Shire of Denmark will consider the allocation of funds in the 2008 / 2009 financial year to undertake the preparation of a business case relating to road infrastructure works to be undertaken in the Lower Great Southern by a separate body, possibly a Regional Council.**
- 2. Consideration be given in the development of the 2008 / 2009 budget for the allocation of \$10,000.00 towards the engagement of a business analyst for the study referred to in part 1 above.**

AMENDMENT

Moved Cr B Hollingworth, seconded Cr K Clements

That in part 1 delete the word 'infrastructure' and replace with the words 'design and construction'.

CARRIED (6/2)

NO. 90/08

COUNCIL DECISION**That:**

- 1. The Western Australian Local Government Association be advised that with regard to the Association's publication 'The Journey: Sustainability into the Future' the Shire of Plantagenet, along with the Councils of the City of Albany, Shire of Cranbrook and the Shire of Denmark will consider the allocation of funds in the 2008 / 2009 financial year to undertake the preparation of a business case relating to road design and construction works to be undertaken in the Lower Great Southern by a separate body, possibly a Regional Council.**
- 2. Consideration be given in the development of the 2008 / 2009 budget for the allocation of \$10,000.00 towards the engagement of a business analyst for the study referred to in part 1 above.**

MOTION TO ADJOURN THE QUESTION**Moved Cr M Skinner seconded Cr A Budrikis****That the question be adjourned to enable a workshop to be held with Councillors and Senior Staff.****CARRIED (7/1)****NO. 91/08**

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Councillor Moir has given notice pursuant to Clause 3.7 of Standing Orders that he intends to move:

'That the Chief Executive Officer be requested to prepare for the consideration of the Council a report addressing the costs and benefits for kerbside rubbish removal continuing to be undertaken utilising Council staff and plant against the service being undertaken by contractors.'

Councillor Comment

I believe this information is necessary for Council consideration so that an informed decision can be made regarding whether the Council continues to utilise in-house resources for kerbside rubbish pickup or utilises external (contract) resources.

Moved Cr J Moir, seconded Cr K Clements

That the Chief Executive Officer be requested to prepare for the consideration of the Council a report addressing the costs and benefits for kerbside rubbish removal continuing to be undertaken utilising Council staff and plant against the service being undertaken by contractors including other local governments.

CARRIED (8/0)

NO. 92/08

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

14 CONFIDENTIAL

Nil

15 CLOSURE OF MEETING

6.22pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE: ____ / ____ / ____